

Message Text

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ACTION EB-08

INFO OCT-01 ARA-14 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SS-15
H-02 /058 W

-----012194 032315Z /13

P 032238Z MAY 78

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 9997

UNCLAS SECTION 01 OF 02 MEXICO 07291

E.O. 11652: N/A

TAGS:EAIR, MX, US

SUBJECT: CIVAIR: GOM PROPOSAL FOR HANDLING CAPACITY
INCREASES

1. EMBASSY HAS RECEIVED LETTER OF APRIL 7, 1978 ADDRESSED
TO AMBASSADOR FROM MEXICAN SECRETARY OF COMMUNICATIONS AND
TRANSPORTATION LIC. EMILIO MUJICA MONTOYA PROPOSING PRO-
CEDURES FOR HANDLING CAPACITY INCREASES.

2. UNOFFICIAL TRANSLATION FOLLOWS:

QUOTE

I REFER TO THE CONFIDENTIAL LETTERS EXCHANGED BY THE AM-
BASSADOR OF THE UNITED STATES OF AMERICA AND THE SECRETARY
OF COMMUNICATIONS AND TRANSPORTATION OF MEXICO, DATED
JULY 31, 1970, BY MEANS OF WHICH THE REFERENCED CRITERION
REGULATED THE APPLICATION OF THE MODIFICATIONS TO THE
SCHEDULE OF ROUTES OF THE CONVENTION THAT WERE REALIZED.

DURING THE TALKS THAT TOOK PLACE IN THE CITY OF WASHINGTON
IN SEPTEMBER AND DECEMBER OF 1977 AND IN MEXICO CITY IN
NOVEMBER OF 1977, AGREEMENT WAS REACHED ON THE TERMS FOR
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THE MODIFICATION AND EXTENSION OF THE CONVENTION ON AIR
TRANSPORT BETWEEN OUR TWO GOVERNMENTS, WHICH EXPIRED DECEM-
BER 31, 1977 AND SUBSEQUENTLY WAS EXTENDED UNTIL DECEMBER 31,
1982.

THE SCHEDULE OF ROUTES HAVING BEEN MODIFIED SUBSTANTIALLY, I
CONSIDER THE UPDATING OF SAID LETTER NECESSARY, IN ORDER TO
DETERMINE THE CRITERION TO HAVE TO REGULATE THE APPLICATION

OF THE MODIFICATIONS.

WITH RESPECT TO THE FOREGOING, I WOULD LIKE TO EXPRESS THE UNDERSTANDING OF MY GOVERNMENT ON THE RULES UNDER WHICH OUR GOVERNMENTS CAN COMPLY WITH THAT WHICH IS STIPULATED IN THE CONVENTION OF AIR TRANSPORT OF AUGUST 15, 1960, IN APPROPRIATE FORM.

(1) THE DESIGNATED AIRLINES OF THE CONTRACTING PARTIES WILL BE ABLE TO OFFER THE LEVEL OF SERVICE THAT THEY DEEM JUSTIFIED BY THE PUBLIC NECESSITY OF SUCH SERVICES ON ALL THEIR ROUTES ACCORDING TO THE PRINCIPLES SET FORTH IN ARTICLES 8, 9 AND 10 OF THE CONVENTION, TAKING INTO CONSIDERATION THE INTERESTS OF THE AIRLINES OF THE OTHER PARTIES.

(2) ANY AIRLINE THAT WISHES TO INCREASE CAPACITY WILL SUBMIT ITS PROPOSAL TO ITS OWN GOVERNMENT FOR CONSIDERATION, PROVIDING DATA TO SUPPORT IT. FOR THE PURPOSE OF THIS UNDERSTANDING, INCREASES IN CAPACITY SHOULD NOT BE CONSIDERED TO BE THOSE THAT INCLUDE CHANGES IN THE CONFIGURATION OF THE AIRCRAFT ALREADY IN USE ON THE SERVICE IN QUESTION.

SAID GOVERNMENT WILL REVIEW THE PROPOSED CAPACITY INCREASE WITH THE OBJECT OF EXAMINING IF IT IS IN ACCORD WITH THE LETTER AND SPIRIT OF THE OBLIGATIONS IMPOSED BY ARTICLES 8, 9, AND 10 OF THE CONVENTION ON AIR TRANSPORT.

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IF THAT GOVERNMENT CONSIDERS THAT THE PROPOSED INCREASE IN CAPACITY IS IN ACCORD WITH THE CONDITIONS OF ARTICLE 8, 9, AND 10, IT WILL INFORM THE OTHER GOVERNMENT OF THE PROPOSED CHANGE THROUGH ITS CORRESPONDING EMBASSY AT LEAST THIRTY (30) DAYS BEFORE THE DATE THAT THE PROPOSED INCREASE ENTERS IN FORCE.

IN CASE OF A PROPOSED INCREASE WHICH IN THE OPINION OF THE AUTHORITIES OF THE OTHER GOVERNMENT AFFECTS IMPROPERLY (ILLEGALLY, UNLAWFULLY ?) THE INTERESTS OF ITS AIR LINES OR VIOLATES IN SOME MANNER THE LETTER OR SPIRIT OF THE CONVENTION ON AIR TRANSPORT, THAT GOVERNMENT WILL BE ABLE TO INFORM THE GOVERNMENT THAT GAVE NOTICE, WITHIN TEN (10) DAYS, OF THE REASONS THAT MAKES IT FEEL THAT THE INCREASE IS NOT IN ACCORD WITH THE CONVENTION.

IF IT IS SO REQUESTED, CONVERSATIONS WILL BE HELD IN AN EFFORT TO RESOLVE THE CONTROVERSY BEFORE THE ENTRY IN EFFECT OF THE INCREASE.

IF AS A RESULT OF THESE CONVERSATIONS, THE GOVERNMENT THAT GAVE NOTICE IS PERSUADED THAT THE OPERATION OF THE PROPOSED

INCREASE IS NOT IN ACCORD WITH THE LETTER AND SPIRIT OF ARTICLES 8, 9, AND 10 OF THE CONVENTION, IT WILL WITHDRAW ITS NOTICE ON THE PROPOSED INCREASE.
IF AS A RESULT OF THE CONVERSATIONS, THE GOVERNMENT THAT GAVE NOTICE IS NOT PERSUADED THAT THE PROPOSED INCREASE BY ITS AIR LINE IS NOT IN ACCORDANCE WITH THE LETTER AND THE SPIRIT OF THE CONVENTION, THE GOVERNMENT THAT RECEIVED THE NOTIFICATION WILL PERMIT THE INTRODUCTION OF THE PROPOSED CAPACITY SUBJECT TO A POSSIBLE OBJECTION SUBSEQUENTLY, IN ACCORDANCE WITH THE BASIS INDICATED IN THE FOLLOWING PARAGRAPH.

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(3) IN THE CASE THAT ANY GOVERNMENT CONSIDERS NECESSARY, AFTER A PERIOD OF OBSERVATION OF NOT LESS THAN ONE HUNDRED EIGHTY (180) DAYS, THAT IN EXCEPTIONAL CASES COULD BE REDUCED TO NOT LESS THAN ONE HUNDRED FIFTY (150) DAYS, TO OBJECT TO THE CAPACITY OFFERED BY THE AIR LINE OF THE OTHER GOVERNMENT, IT CAN SOLICIT CONSULTATIONS IN ACCORDANCE WITH ARTICLE 10 OF THE CONVENTION, WITH THE PURPOSE OF REVISING "A POSTERIORI" THE OPERATIONS ON THE OBJECTED ROUTE OR ROUTES.

AMONG THE VARIOUS ELEMENTS OF PARTICULAR IMPORTANCE THAT WILL BE TAKEN INTO ACCOUNT DURING THESE CONSULTATIONS, ARE THE LOAD FACTORS OF THE AIR LINES, THE TENDENCIES REGISTERED IN THE AIR TRAFFIC MARKET AND THE POSSIBILITIES OF AN INCREASE IN THE DEMAND FOR SERVICES, OWING TO PROMOTIONS THAT WOULD BE REALIZED OR BEING REALIZED BY THE CORRESPONDING AIR LINE.

(A) IF DURING SAID CONSULTATIONS AGREEMENT IS REACHED THAT THE OBJECTED SERVICES VIOLATE THE LETTER AND SPIRIT OF THE

CONVENTION ON AIR TRANSPORT, THE TWO GOVERNMENTS WOULD AGREE ON THE ADJUSTMENTS THAT WOULD BE REQUIRED IN THE OFFERED CAPACITY, AND, IF IT IS PERTINENT ON THE PERIOD DURING WHICH SUCH ADJUSTMENTS WILL REMAIN IN EFFECT.

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(B) IF DURING THE CONSULTATIONS NO AGREEMENT IS REACHED, THE COMPLAINING GOVERNMENT COULD TAKE THOSE MEASURES THAT IT CONSIDERS NECESSARY TO PREVENT (IMPEDE) THE CONTINUATION OF THE OBJECTED SERVICE OR SERVICES DURING A PERIOD NOT TO EXCEED ONE YEAR. AT THE END OF THE PERIOD OF ONE YEAR OF RESTRICTIONS IMPOSED ON THE OBJECTED SERVICE OR SERVICES, THE CONDITIONS OF PARAGRAPHS 2 AND 3 WILL BE APPLIED ONCE AGAIN.

I WOULD APPRECIATE YOU INFORMING ME IF THE FOREGOING REFLECTS THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA.

COMPLIMENTARY CLOSING. SIGNED LIC. EMILIO MUJICA MONTOVA.
SECRETARY OF COMMUNICATIONS AND TRANSPORTATION.

UNQUOTE

3. COPIES OF ORIGINAL LETTER HAVE BEEN FORWARDED TO EB/TRA/OA/AN, ATTN: AL RIMAS. REQUEST DEPARTMENT REVIEW TEXT AND ADVISE EMBASSY OF ACCEPTABILITY OF PROPOSAL. IF ACCEPTABLE, REQUEST DEPARTMENT PROVIDE TEXT OF RESPONSE. THEREAFTER, ORIGINAL GOM LETTER AND CERTIFIED COPY OF EMBASSY REPLY WILL BE FORWARDED TO L/TREATIES IN ACCORDANCE WITH ESTABLISHED PROCEDURES. ON THE OTHER HAND IF THE PRESENT TEXT PRESENTS PROBLEMS, REQUEST INSTRUCTIONS. LUCEY

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Disposition Approved on Date:
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Review Media Identifier:
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Review Release Event: n/a
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Secure: OPEN
Status: NATIVE
Subject: CIVAIR: GOM PROPOSAL FOR HANDLING CAPACITY INCREASES
TAGS: EAIR, MX, US
To: STATE
Type: TE
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